

August 26, 1996

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Secretary  
Federal Communications Commission  
1919 M Street, NW  
Washington DC 20554

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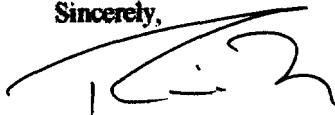
Re: 230C3 Parker, Arizona

Dear Secretary:

I inadvertently left out an affidavit in my petition for Rulemaking to assign Channel 230C3 to Parker, Arizona. Please find it attached and include it with my original request.

Should further information be desired in connection with this petition, please communicate with the undersigned.

Sincerely,




Rick L. Murphy  
2068 McCulloch Blvd.  
Lake Havasu City, AZ 86403  
520/855-1051

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## AFFIDAVIT

I, Rick Murphy, under penalty of perjury of law, make the following statements regarding my petition for Rulemaking to Parker Arizona and they are true to the best of my knowledge. My address is 2068 McCulloch Blvd. Lake Havasu City, Arizona 86403.

 Date 8/26/96  
Rick L. Murphy

Before the  
Federal Communications Commission  
Washington, DC 20554

In the Matter of Section 73.202(b) ) MM Docket No.  
Table of Allotments, ) RM-  
FM Broadcast Stations )  
(Parker, Arizona) )

TO: Chief, Allocations Branch

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**PETITION FOR RULEMAKING**

Rick L. Murphy, (Murphy) herein petitions the Commission to issue a Notice of Proposed Rulemaking looking towards the assignment of FM Channel 230C3 for Parker, Arizona. In support hereof, the following is shown:

1. Parker with a population of 2920 is the support community for La Paz County with a population of over 16,000 people. Parker was founded in 1908 and incorporated in 1948 and satisfies the commissions status as a "community" qualifying it for an allotment. Parker's economy is based primarily on retail trade and services. The 11-mile strip of the Colorado River, contained between Parker Dam and Headgate Dam, forms one of the finest bodies of water in the county for water-based recreational activities, making Parker a major destination point for tourist and winter visitors.
2. As demonstrated by the engineering statement and attached hereto, this channel can be allocated to Parker in accordance with the Commissions spacing requirements set forth in Section 73.207.
3. According to the preclusion study, no community will be newly precluded from using the proposed and all adjacent channels. For five other communities where some preclusion will be created, all have existing FM service. Consequently, these communities are not left without service.
4. Channel 230C3 will be the second FM service for Parker, Arizona which petitioner believes would be in the public interest and a more efficient use of the spectrum.

WHEREFORE, it is respectfully requested that the Commission initial a rulemaking proceeding towards the amendment of Section 73.202 (b), the table of allotments, as follows:

<u>City</u>	<u>Channel No.</u>
Parker, Arizona	Proposed 230C3

Respectfully submitted,



Rick L. Murphy

**Federal Communications Commission**

DA 96-1188

Before the  
Federal Communications Commission  
Washington, D.C. 20554

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In the Matter of

Amendment of Section 73.202(b)  
Table of Allotments,  
FM Broadcast Stations.  
(Parker, Arizona)

MM Docket No. 96-164  
RM-8847

**NOTICE OF PROPOSED RULE MAKING**

**Adopted: July 26, 1996**

**Released: August 2, 1996**

Comment Date: September 23, 1996  
Reply Comment Date: October 8, 1996

By the Chief, Allocations Branch:

1. Before the Commission for consideration is a petition for rule making filed by Rick L. Murphy ("petitioner") requesting the allotment of Channel 230C3 to Parker, Arizona, as that community's second local FM service. Petitioner failed to state his intention to apply for Channel 230C3 if it is allotted to Parker, Arizona, as requested, and should do so in response to this Notice. Failure to provide such commitment could result in a denial of the request. See the Appendix to this *Notice*.<sup>1</sup>

2. A staff analysis of the proposal reveals that Channel 230C3 can be allotted to Parker, Arizona, consistent with the minimum distance separation requirements of Section 73.207(b)(1) and (3) of the Commission's Rules without the imposition of a site restriction, utilizing the city reference location at coordinates 34-08-48 and 114-17-12. However, as Parker is located within 320 kilometers (199 miles) of the Mexico border, the Commission must obtain concurrence of the Mexican government to the proposal.

3. In light of the interest expressed in providing a second local FM service to Parker, Arizona, we will propose to allot Channel 230C3 to that community. Therefore, we will seek comments on the proposed amendment to the FM Table of Allotments, Section 73.202(b) of the

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<sup>1</sup>Additionally, although the petitioner's request was signed and his address stated, he failed to include an affidavit verifying that the statements contained in the petition are accurate to the best of his knowledge. Section 1.52 of the Commission's Rules requires that the original of any document filed with the Commission by a party not represented by counsel be signed and verified by the party and his/her address stated. In the absence of such verification, the petition may be dismissed. Section 1.401(b) of the Commission's Rules concerning rule making proceedings places petitioners on notice that their proposal must conform with the requirements of Section 1.52 regarding subscription and verification. See also *Amendment of Sections 1.420 and 73.3584 of the Commission's Rules Concerning Abuses of the Commission's Processes*, 5 FCC Rcd 3911, 3919, n.41 (1990). Petitioner is requested to remedy the omission in his comments.

Commission's Rules, with regard to Parker, Arizona, as follows:

<u>City</u>	<u>Channel No.</u>	
	<u>Present</u>	<u>Proposed</u>
Parker, Arizona	257C2	230C3,257C2

4. The Commission's authority to institute rule making proceedings, showings required, cut-off procedures, and filing requirements are contained in the attached Appendix and are incorporated by reference herein. In particular, we note that a showing of continuing interest is required by paragraph 2 of the Appendix before a channel 1 will be allotted.

5. Interested parties may file comments on or before September 23, 1996, and reply comments on or before October 8, 1996, and are advised to read the Appendix for the proper procedures. Comments should be filed with the Secretary, Federal Communications Commission, Washington, D.C. 20554. Additionally, a copy of such comments should be served on the petitioner, as follows:

Rick L. Murphy  
2068 McCulloch Blvd.  
Lake Havasu City, AZ 86403

6. The Commission has determined that the relevant provisions of the Regulatory Flexibility Act of 1980 do not apply to rule making proceedings to amend the FM Table of Allotments, Section 73.202(b) of the Commission's Rules. See Certification that Sections 603 and 604 of the Regulatory Flexibility Act Do Not Apply to Rule Making to Amend Sections 73.202(b), and 73.606(b) of the Commission's Rules, 46 FR 11549, February 9, 1981.

7. For further information concerning this proceeding, contact Nancy Joyner, Mass Media Bureau, (202) 418-2180. For purposes of this restricted notice and comment rule making proceeding, members of the public are advised that no ex parte presentations are permitted from the time the Commission adopts a Notice of Proposed Rule Making until the proceeding has been decided and such decision is no longer subject to reconsideration by the Commission or review by any court. An ex parte presentation is not prohibited if specifically requested by the Commission or staff for the clarification or adduction of evidence or resolution of issues in the proceeding. However, any new written information elicited from such a request or a summary of any new oral information shall be served by the person making the presentation upon the other parties to the proceeding unless the Commission specifically waives this service requirement. Any comment which has not been served on the petitioner constitutes an ex parte presentation and shall not be considered in the proceeding.